

EXHIBIT 13

FILED UNDER SEAL

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

NETLIST, INC., (CAUSE NO. 2:21-CV-463-JRG
)
Plaintiff, ()
vs. ()
SAMSUNG ELECTRONICS CO., LTD., ()
et al., () MARSHALL, TEXAS
() APRIL 17, 2023
Defendants. () 8:30 A.M.

VOLUME 2

TRIAL ON THE MERITS

BEFORE THE HONORABLE RODNEY GILSTRAP
UNITED STATES CHIEF DISTRICT JUDGE
and a jury

SHAWN McROBERTS, RMR, CRR
100 E. HOUSTON STREET
MARSHALL, TEXAS 75670
(903) 923-8546
shawn_mcroberts@txed.uscourts.gov

1 Q. Well --

2 A. Where I'm teaching it. Sorry.

3 Q. So in that context, can't you answer that question?

4 A. Can I hear the question one more time?

5 Q. Sure. You would tell them that this black structure,
6 that's a DRAM die and these little fine wires are the
7 connections to the DRAM die. Right?

8 A. I don't know that I would use that definition.

9 Q. And, in fact, these little connections, these are
10 microscopically separated from one another. Right?

11 A. They are certainly separated from one another, but
12 they're visible from the eye.

13 Q. You threw out a definition that made it sound like it was
14 10 millimeters, but this is on the order of microns. Right?

15 A. I didn't say 10 millimeters, no. That could be on the
16 order of microns, though.

17 Q. Okay. So it's your opinion, as you sit here, that if
18 somebody sees the phrase 'memory circuit', you've got to think
19 of these little wires coming off of the edges. Right?

20 A. In the context of these DRAM circuits, yes, that there's
21 external connections.

22 Q. So my question was really precise. When I see the word
23 'DRAM', I'm an engineer out there walking around in the world
24 in 2011, and I see a reference to 'DRAM circuit', it's your
25 opinion that I immediately think of these little wires coming

1 off the edges. Right?

2 MR. BURGESS: Objection, Your Honor. It's
3 criticizing the witness for not answering a different
4 question.

5 THE COURT: Overruled.

6 THE WITNESS: Again, it would depend on the context,
7 sir.

8 Q. (BY MR. CORDELL) You can't answer that question.

9 A. I believe I just did. It would depend on the context.

10 Q. Well, let's look at what Netlist said in its 10-K. Do
11 you recall that document?

12 A. I recall the document.

13 MR. CORDELL: So can I have DDX 116.6? And can I
14 have the paragraph under 'business overview'? There we go.
15 Blow up that first one, please. Thank you.

16 Q. (BY MR. CORDELL) Now, you understand what a 10-K is.
17 Right?

18 A. As I recall, I think it's a document filed with the SEC,
19 but perhaps you can clarify.

20 Q. Well, it's a document that a company has to file with the
21 SEC to talk to its stockholders. Right?

22 A. That's more or less my recollection. Thank you.

23 Q. And it's not nice to say something that's not accurate to
24 your stockholders. Right?

25 A. That's my understanding, yes.

1 I HEREBY CERTIFY THAT THE FOREGOING IS A
2 CORRECT TRANSCRIPT FROM THE RECORD OF
3 PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.
4 I FURTHER CERTIFY THAT THE TRANSCRIPT FEES
5 FORMAT COMPLY WITH THOSE PRESCRIBED BY THE
6 COURT AND THE JUDICIAL CONFERENCE OF THE
7 UNITED STATES.

8
9 S/Shawn McRoberts 04/17/2023

10 _____ DATE _____
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12 FEDERAL OFFICIAL COURT REPORTER
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Shawn M. McRoberts, RMR, CRR
Federal Official Court Reporter